

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DOUGLAS COYLE,
Plaintiff,

v.

EQUIFAX, INC.,
Defendant.

Case No. [16-cv-05675-HSG](#)

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED**

Re: Dkt. No. 34

On October 5, 2016, Plaintiff filed the present suit against Defendant Equifax, Inc. (“Equifax”). *See generally* Dkt. No. 1 (“Compl.”). Defendant filed a motion to dismiss on January 6, 2017, pursuant to Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 34. To date, Plaintiff has failed to oppose the motion.

In general, an opposition must be filed and served “not more than 14 days after the motion was filed.” L.R. 7-3(a). The Court interprets a failure to oppose a motion to dismiss as a concession that the original complaint should be dismissed. *See Marziano v. Cty of Marin*, No. C-10-2740 EMC, 2010 WL 3895525, at *4 (N.D. Cal. Oct. 4, 2010) (interpreting plaintiff’s failure to oppose defendant’s motion to dismiss as a concession that the claim at issue should be dismissed); *see also GN Resound A/S v. Callpod, Inc.*, No. C 11-04673 SBA, 2013 WL 1190651, at *5 (N.D. Cal. Mar. 21, 2013) (construing plaintiff’s failure to oppose defendant’s argument as a concession of that argument).

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The Court thus **ORDERS** Plaintiff to show cause by June 9, 2017 why this case should not be dismissed based on his failure to oppose Equifax's pending motion to dismiss. *See Marziano*, 2010 WL 3895525, at *4.

IT IS SO ORDERED.

Dated: 6/1/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge